

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL FORBES	:	CIVIL ACTION
	:	
	:	NO. 09-1256
v.	:	
	:	
DAVID DIGUGLIELMO, et al.	:	

ORDER

AND NOW, this 29th day of February 2012, upon consideration of the Petition of Michael Forbes (“Petitioner”) for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 1), Petitioner’s Revised Habeas Corpus Petition and Memorandum in Support of the Revised Habeas Corpus Petition (Doc. Nos. 4-5), Answer to the Petition of Respondent Pennsylvania Department of Corrections (“Department”) (Doc. No. 12), Memorandum in Support of Respondent Department’s Answer (Doc. No. 14), Petitioner’s Reply in Support of Petition (Doc. No. 16), Answer to the Petition of Respondent Catherine McVey (“McVey”) (Doc. No. 20), United States Magistrate Judge L. Felipe Restrepo’s Report and Recommendation (Doc. No. 24), Petitioner’s Objections to Magistrate Judge Restrepo’s Report and Recommendation (Doc. No. 25), Respondent McVey’s Brief in Opposition to Petitioner’s Objections (Doc. No. 26), Respondent Department’s Brief in Opposition to Petitioner’s Objections (Doc. No. 27), Petitioner’s Supplemental Memorandum (Doc. No. 33), Respondent Department’s Supplemental Memorandum (Doc. No. 34), and the pertinent state court record, it is ORDERED that:

1. The Report and Recommendation of Magistrate Judge Restrepo (Doc. No. 24) is APPROVED.
2. Petitioner’s Revised Habeas Corpus Petition (Doc. No. 4) is DENIED.
3. All outstanding motions are DENIED as moot.

4. A certificate of appealability shall not issue because a reasonable jurist could not conclude that the Court is incorrect in denying and dismissing the habeas petition.

5. The Clerk's Office shall close this case.

BY THE COURT:

/s/ Joel H. Slomsky, J.
JOEL H. SLOMSKY, J.